

**TOWN OF WEST WARWICK
OFFICE OF THE TOWN MANAGER**

EXECUTIVE ORDER

2020-5

MAY 18, 2020

Fourth Supplemental Emergency Declaration

**Temporarily Allowing Expanded Outside Dining at Restaurants in The Town of
West Warwick**

This Emergency Declaration supplements the Executive Order issued on March 16, 2020 declaring a state of local emergency and Supplemental Executive Order 2020-4.

WHEREAS, on Monday, March 16, 2020, Town Manager Ernest Zmyslinski issued a Declaration of a State of Local Emergency for the Town of West Warwick and on Monday, March 23, 2020, the West Warwick Town Council unanimously adopted, with one amendment, said Declaration of a State of Local Emergency and all emergency powers granted therein until such time as Governor Raimondo lifts the state of emergency in our state and/or until such time as Town Manager Zmyslinski or the West Warwick Town Council lifts the state of emergency in West Warwick; and

WHEREAS, the COVID-19 pandemic has had a devastating effect on many businesses within the Town of West Warwick, particularly the restaurant and hospitality industry; and

WHEREAS, a limited number of West Warwick restaurants are currently open and operating within Governor's Raimondo's Executive Order only allowing take-out, delivery, and drive-thru service of food and alcoholic beverages; and

WHEREAS, on May 9, 2020 Governor Raimondo lifted the previously imposed stay-at-home restriction in her prior Executive Orders and further allowed other non-critical retail establishments to open as part of the Phase 1 Reopening of Rhode Island; and

WHEREAS, Governor Raimondo has announced that on May 18, 2020, restaurants throughout Rhode Island will be allowed to expand from the current take-out, delivery, and drive-thru service of food and alcoholic beverages to permit outdoor dining; and

WHEREAS, the Town of West Warwick desires to help the local restaurant and hospitality industry recover as quickly as possible from the financial hardships COVID-19 has placed on them;

NOW IT IS THEREFORE RESOLVED THAT I, TOWN MANAGER ERNEST ZMYSLINSKI, by the authority vested in me do hereby order and declare the following, commencing on May 18, 2020:

1. Every restaurant or other food and beverage serving establishment that is in good standing with the Town of West Warwick shall be eligible to obtain from the West Warwick Town Clerk's Office, a **"Temporary Outdoor Dining License"** upon the filing of the necessary certifications required within this Order and application. Such license shall be strictly temporary and shall be permitted only so long as any emergency executive orders, directives, and/or guidelines related to COVID-19 are in effect in West Warwick and the state. Such license shall be posted in a conspicuous place upon the premises.
2. The **Temporary Outdoor Dining License** may be revoked at any time if the restaurant or other food and beverage serving establishment is found to be in non-compliance with any of the herewith conditions.
3. Such license only allows for the service of food and beverages, including alcoholic beverages, but does **NOT** permit entertainment or any other activities.
4. Any restaurant or other food and beverage serving establishment serving alcoholic beverages, must have an existing valid liquor license issued by the Town of West Warwick to serve alcoholic beverages.
5. Every restaurant or other food and beverage serving establishment seeking such license shall file the attached **"Temporary Outdoor Dining Expansion of Premises Application, Liability and Consent Form"** with the Town of West Warwick Town Clerk's Office that certifies that they will abide by all Executive Orders issued by the Governor of Rhode Island and Town Manager of West Warwick as well as all health, social distancing, sanitizing and safety protocols issued by the Rhode Island Department of Health, Department of Business Regulation, Commerce Corporation, Rhode Island Fire Marshal and any other state or local agency with jurisdiction. **The establishment further certifies that they will indemnify and hold harmless the Town of West Warwick for any claims or actions related to the use of such license.**
6. Every restaurant or other food and beverage serving establishment granted such license shall be allowed to have outdoor seating under the conditions set forth below:

- a. All outdoor dining shall comply with all guidance and regulations set forth in current and future Executive Orders issued by the Governor and Department of Health, Department of Business Regulation and any state department that may be involved in the regulation of food and beverage serving establishments and social distancing.
 - b. Outdoor seating shall be located on the same lot as or adjacent to the principal restaurant provided that no such outdoor seating shall be located upon or within any public way, street or roadway, public sidewalk, public property and the like. Outdoor seating shall also be allowed on any adjoining lot that is under common ownership or with the express written permission of the owner of the adjacent lot.
 - c. There shall be no fee for such temporary license.
 - d. A plan and drawing must be submitted to the Town Clerk's Office depicting the hours of operation, proposed seating chart, which must provide state required social distancing measures, safety barriers, as well as a vehicular traffic and parking plan with necessary signage to direct vehicular traffic in a safe manner if the plan calls for utilizing a parking area for dining purposes. The Police Colonel, Fire Chief, Fire Marshal, Building Official or their respective designees shall review and must approve the plan and drawing.
 - e. Outdoor seating in an existing parking lot adjacent to the principal restaurant shall have a temporary barrier approved by the West Warwick Fire Marshal or his designee and appropriate signage that separates the dining and parking areas.
 - f. All outdoor service of food and beverages, where applicable, alcohol shall begin no earlier than 8:00 AM and cease by 9:00 PM.
7. Every restaurant or other food and beverage serving establishment granted such license that does not have any portable restroom available for use may allow any patron(s) to enter their premises to use an interior restroom so long as all social distancing and sanitization guidelines are followed.
 8. Every restaurant or other food and beverage serving establishment granted such license that wants to have an open-air tent must notify the Town Clerk's Office and the West Warwick Fire Department. Review and approval of the West Warwick Fire Marshal or his designee will be required. If approval is granted, site inspection(s) will be made to ensure compliance with all applicable fire codes and provisions of the Life Safety Code.

9. Any required parking minimums and any other provision in our existing Code of Ordinances that conflict with the provisions of this duly authorized temporary outdoor expansion of premises license are hereby modified and/or suspended while the emergency executive orders, directives, and/or guidelines related to COVID-19 are in effect in West Warwick and the state.

10. The West Warwick Police Department and any other local department designated by the Town Manager are authorized to enforce and issue any violation of these provisions.

This Executive Order shall take effect on May 18, 2020 and shall last until such time as the State of Emergency in Rhode Island and/or the Town of West Warwick is lifted, or otherwise modified through an Executive Order of the Governor or Town Manager.



Ernest Zmyslinski
Town Manager

May 18, 2020
Date